

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Technical Education – Estt. – APTES – Suit – O.A.No.10193/2008 filed by Sri A.Siva Prakasa Rao, Lecturer in Electrical and Electronics Engineering, Andhra Polytechnic, Kakinada – Treating the period from 02-06-2005 to 22-06-2007 as compulsory wait subject to outcome of the W.P. – Orders – Issued.

HIGHER EDUCATION (TE.I) DEPARTMENT

G.O.Rt.No. 561

Dated: 13-08-2012.
Read the following:-

- 1.G.O.Ms.No.238, HE (TE.I) Deptt., Dated: 04-10-2008.
- 2.Orders of the APAT in O.A.No.10193 of 2008, Dated: 19-04-2010 filed by Sri A.Siva Prakasa Rao, Lecturer in EEE, Andhra Polytechnic, Kakinada, East Godavari District.
- 3.W.P.No.25029 of 2010 filed by CTE, A.P., Hyderabad.
- 4.Order Dated: 12-07-2011 of the Hon'ble A.P.High Court, Hyderabad in W.V.M.P.No.5462 of 2010 and WPMP No.31990 of 2010 in W.P.No.25029 of 2010 filed by CTE, A.P., Hyderabad.
- 5.C.A.No.1090 of 2010 in O.A.No.10193 of 2008 filed by Sri A.Siva Prakasa Rao, Lecturer in EEE, Andhra Polytechnic, Kakinada, East Godavari District.
- 6.From the CTE, Hyd., Lr.No.G2/31230/2004-05, Dt.06-09-2010.
- 7.Order of the APAT in C.A.No.1090 of 2010 in OA No.10193 of 2008, Dated: 07-09-2011.
- 8.From the APAT, Hyd., CMA No.193/2011 in C.A.No.1090/2010 in OA No.10193 of 2008.
- 9.Lr. from the Addl.Advocate General, A.P.High Court, Lr.No.653 of 2012, Dated: 31-07-2012.

>>>

In the G.O. first read above, Government after careful examination of the entire disciplinary case of the individual, have awarded a punishment of stoppage of two annual grade increments with cumulative effect against Sri A.Siva Prakasa Rao, Lecturer in Electrical and Electronics Engineering, S.S.Government Polytechnic, Zaheerabad and also ordered to treat the period of his absence from 14-12-2002 to 29-06-2007 as “Dies-non” as per Note-I under FR.18 and Rule5-A of A.P.Leave Rules, 1993.

2. Aggrieved by the above orders of Government issued in the G.O first read above, the individual filed O.A.No.10193/2008 before the Hon'ble APAT, Hyderabad with a prayer to set aside the orders of the Government issued in G.O.Ms.No.238, H.E (TE.I) Department, Dated: 04-10-2008.

3. In the reference second read above, the Hon'ble APAT Dated: 19-04-2010 in O.A.No.10193 of 2008 have issued the following order:-

“In view of the above, the proceedings dated: 16-03-2004 terming as Charge Memo. can be treated as preliminary proceedings under Rule.20 of APCS (CC&A) Rules, 1991. So after the preliminary enquiry having been conducted, the respondent should not have issued the punishment order and should have issued the charge memo. under Rule 20 and followed the procedure enunciated therein. Instead, they have issued the order of punishment. Therefore, they are liable to be set-aside by giving liberty to the respondents to proceed against the applicant under Rule 20 of APCS (CC&A) Rules, 1991 by framing charge Memo., therein along with Annexures as

Contd..2/p

stipulated therein and to pass appropriate orders if they so desired in accordance with APCS (CC&A) Rules, 1991. With respect to treating the period of suspension from 14-12-2002 till the date of removal 02-06-2005 which has been set-aside in O.A.No.7271/2005 vide order dated: 13-06-2006, the respondents are at liberty to pass appropriate orders under F.R.54(B), if they so desire: **and** “the period from the date of removal till the date of reinduction vide order 22-06-2007 should be treated as compulsory wait as the reinduction orders have been issued with delay which is on the part of the respondents. Accordingly, the O.A. is allowed by setting aside the impugned order and the period from 02-06-2005 to 22-06-2007 should be treated as compulsory wait.”

5. Against the said orders of Tribunal Dated: 19-04-2010, the Government filed W.P. No.25029/2010 in the A.P. High Court. The Hon’ble A.P. High Court issued an interim order on 08-11-2010 ordering interim suspension of the orders of the APAT, Hyderabad, Dated: 19-04-2010 in O.A.No.10193 of 2008, pending disposal of the WP No.25029 of 2010. Subsequently the Hon’ble A.P.High Court, Hyderabad, however have vacated the said order in its order dated: 12-07-2011 vide reference fourth read above as follows:-

‘Interim suspension granted on 08-11-2010 is hereby vacated as the tribunal directed that “with respect to treating the period of suspension from 14-02-2002 till the date of removal i.e. 02-06-2005 which has been set aside in O.A.No.7271 of 2005 vide order dated: 13-06-2006, the respondents are at liberty to pass appropriate orders under FR 54(B), if they so desire and the period from the date of removal till the date of reinduction vide order dated: 22-06-2007 should be treated as compulsory wait as the reinduction orders have been issued with delay which is on the part of the respondents”

6. The individual has filed C.M.A 193/2011 in APAT praying that to issue directions to reopen the contempt proceedings in C.A. 1093/2010 in O.A.No.10193 of 2008 and the Hon’ble Tribunal made the following order dated: 07-09-2011 that:-

“The learned Government Pleader has produced a letter bearing Lr.No.G2/31230/2004-05, dated: 06-08-2011 of the Commissioner of Technical Education addressed to the Principal Secretary to Government, Higher Education (TE.I) Department, Secretariat in which he had requested instructions of the Government about treatment of period from 02-06-2005 to 22-06-2007 as compulsory wait, keeping in view of the earlier C.A. filed in this matter and keeping further in view of the orders of the Hon’ble High Court in W.P.No.25029/2010.

7. After careful examination of the proposal of the Commissioner of Technical Education, A.P., Hyderabad, Government hereby permit the Commissioner of Technical Education to treat the period from 02-06-2005 to 22-06-2007 as compulsory wait, subject to final outcome of the W.P.No.25029 of 2010 pending in the Hon’ble A.P.High Court, Hyderabad.

8. The Commissioner of Technical Education, A.P., Hyderabad shall take necessary action accordingly.

9. This order issues with the concurrence of Finance (FR.II) Department vide their U.O.No.21786/574/FRI/2012, Dated: 07-08-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G.GOPAL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Technical Education, A.P.,Hyderabad.

Contd..3/p

The Individual concerned through CTE, A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

Copy to:

The Director of Treasuries & Accounts, A.P., Hyderabad.

The Addl. Advocate General, A.P., High Court, Hyderabad.

The G.P. for Education (S), A.P. High Court, Hyderabad.

The G.P. for Education (S), APAT, Hyderabad.

The Finance (FR-I) Department.

SF/Sc

//Forwarded: :By order//

SECTION OFFICER